

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 28, 2002

D038326 Casa Herrers, Inc. v. Beydoun et al.

The judgment dismissing the compliant is reversed. The order granting Bank's motion for judgment on the pleadings directed at Casa Herrera's cause of action under Section 1908 is affirmed. However, the court is directed to enter an order denying the motion for judgment on the pleadings directed at Casa Herrera's malicious prosecution causes of action. Each party shall bear its own costs on appeal.

CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D040237 In re Solia C., a Juvenile

The judgment and orders are affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., McConnell, J.

D040900 Gregory N. et al. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Gregory N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D037628 People v. Flores

D039580 In re Flores on Habeas Corpus

The petition for writ of habeas corpus, D039580, is consolidated with the appeal, D037628, for purposes of disposition.

D037628 People v. Flores

D039580 In re Flores on Habeas Corpus

The judgment is affirmed and the petition for habeas corpus denied. Benke, J.;
We Concur: Kremer, P.J., Nares, J.

D038431 Hollis-Eden Pharmaceuticals, Inc. v. Wells et al.

Upon written stipulation filed by the parties, the appeal is dismissed.

D040936 The Ryland Corporation et al. v. Superior Court of San Diego County/Edelstein

The petition is denied.

D040896 Bridgestone/Firestone, Inc. v. Superior Court of San Diego County/Wall

The petition is denied.

D041032 Jones v. Superior Court of San Diego County/Aimco

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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October 29, 2002

D037571 D & A Mortgage Fund II, L.P. v. Herring & Loftus et al.

The order is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

D040770 In re Roe on Habeas Corpus

The petition is denied.

D040894 Sandoval v. Superior Court of San Diego County/Ronquillo & Orderica LLP et al.

The petition is denied.

D038402 Abrams et al. v. City of San Diego/Mesa Shopping Center East

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D037808 Vallese et al. v. Avelar et al.

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D040865 Outten v. Superior Court of Los Angeles/People

The petition is denied.

D036223 People v. Armstead

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 30, 2002

D037856 Mercury Books, Inc. v. G& B Emporia, Inc. et al.

The award of costs at trial is affirmed. The award of attorney fees is reversed. G&B is to recover its costs on appeal. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D039991 National Metals, Inc. v. Sumitomo Corporation/Los Angeles Scrap Iron & Metal Corp., et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed.

D039556 Dwayne P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are granted. Let a writ issue directing the juvenile court to vacate its order setting a section 366.26 hearing and to send notice to the three federally-recognized Cherokee tribes. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate its order. (See *In re Jonathan D.* (2001) 29 Cal.App.4th 105, 111-112.) The stay issued on May 28, 2002, will vacate upon issuance of the remittitur. This opinion is final immediately as to this court. (Rule 24(d).) CERTIFIED FOR PUBLICATION. McConnell, J.; We Concur: Nares, Acting P.J., McDonald, J.

D037919 People v. Lewis

D037920 (consolidated) The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

D038759 Blue v. Copper Hills Apartment

The July 24, 2001 order is affirmed. Copper Hills is awarded its costs of appeal. McIntyre, J.; We Concur: Kremer, P.J., Benke, J.

D039634 People v. Zendejas

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D038559 Syntron Bioresearch, Inc. et al. v. Fan

The order is affirmed. Syntron is entitled to costs on appeal. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

D039711 People v. Sandoval

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039391 People v. Henderson

Judgment affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McConnell, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 30, 2002 (Continued)

D038830 People v. Barasa

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.;
We Concur: Nares, J., Haller, J.

**D040725 Castro v. Workers' Compensation Appeals Board/Regency Health Services Inc.,
RSKCO**

The petition is denied.

**D041059 Cornetia E. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The notice of intent filed October 22, 2002 by maternal grandmother is dismissed because the San Diego Superior Court has not ruled on her application for de facto parent status. Cornetia E. may appeal an order denying her de facto parent status if at the November 13, 2002 hearing her application is not granted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 31, 2002

D038045 Barratt American, Inc. v. Gray, Cary, Ware & Freidenrich, LLP,
The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D041029 Furtaw v. Superior Court of San Diego County/Herlands et al.
The petition is denied.

D037529 Allan v. First Healthcare Group et al.
Modification and order denying petition for rehearing. No change in judgment.

D038906 In re Saveuane P., a Juvenile
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D040762 In re Mayes on Habeas Corpus
The petition is denied.

D039095 City of San Diego v. Commission on State Mandates/Department of Finance et al.
The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., McConnell, J.

**D041054 Escondido Union School District v. Superior Court of the County of San
Diego/Bennett et al.**
The petition is denied.

D038488 People v. Alberson
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J. McConnell, J.

D038147 People v. Wilson
The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., Huffman, J.

D037562 People v. Barnes
The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D037932 Gerard v. Qualcomm Incorporated
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D040311 In re B.S., a Juvenile
The judgment is reversed insofar as it terminates juvenile court jurisdiction and requires the parents to implement B.S.'s liberal supervised visitation. The matter is remanded to the court for a hearing and entry of exit orders setting forth the parameters of visitation, after which the court may terminate its jurisdiction. In all other respects, the judgment is affirmed. McConnell, J.;
We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 1, 2002

D040961 People v. Cook

In that the certificate of probable cause has been denied, and appeal rights were waived as part of the plea, the appeal is dismissed.

D040242 In re S.O., a Juvenile

The opinion filed October 8, 2002, is ordered certified for publication.

D041108 Whitty v. Superior Court of San Diego County/Residential Capital LLC

The petition is denied.